
From: Richard Garren [RGarren@riggsabney.com]
Sent: Friday, October 31, 2008 11:07 AM
To: Jones, Bruce
Cc: Kelly.Burch@oag.ok.gov; fbaker@motleyrice.com; Bob Nance; Trevor Hammons; David Riggs; Bullock, Louis
Subject: Supplemental responses

Mr. Jones,

I'm responding to your letter of October 17, 2008. I too agree there has been extensive discovery to date in this case and point out that the Cargill entities together have produced in excess of 280,000 pages of documents, many of which were irrelevant or non-responsive, thus creating delays in their review. This of course is in addition to the documents produced by the other defendants. All of which taken together show similar patterns of conduct. The State's review of all these documents is continuing.

While our complaint as amended is very clear as to the State's cause of action it should be known by Cargill at this time that the State is not required to list all single incidents of behavior which make up a broad, continuous and purposeful business model for growing turkeys while refusing to provide an environmentally safe disposal of its wastes.

To the extent that Cargill expects the State to identify each incident occurring over a period of years from activities of improper waste handling and disposal it is unreasonable and unnecessary. Nonetheless and without waiving any objections or arguments to the contrary, some examples can be provided and the State will undertake to do so. However, the State will not be able to meet your unilaterally created deadline of Oct. 31, 2008.

Regarding the request for the identification of witnesses the State would supplement its list, to the extent it is necessary to do so, by adding the names of any person who has been deposed in this case and in the City of Tulsa case involving the same poultry integrator defendants. The State objects to any further supplementation as it will continue to comply with the Federal Rules and appropriate orders regarding its obligation to identify such witnesses.

I trust that the Cargill entities are reviewing their prior discovery responses to assure they too are fully complying with the obligations imposed by Rule 26(e)(1)(A) as set forth in your letter.

Richard T. Garren, Esq.
RIGGS, ABNEY, NEAL, TURPEN
ORBISON & LEWIS, P.C.
502 W. 6th Street
Tulsa, OK 74119-1010
918-587-3161 voice
918-583-1549 facsimile

"It's much more important how you behave...than how much money you make...At the end of the day, it's about people being honest" [CEO wishing to remain anonymous]

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Exhibit D